

S/N 10/529,401

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	LUDLOW ET AL.	Examiner:	S. GETZOW
Serial No.:	10/529,401	Group Art Unit:	3762
Filed:	JANUARY 4, 2006	Docket No.:	11613.87USWO
Confirmation No.:	6746	Customer No.:	23552
Title:	METHODS AND DEVICES FOR INTRAMUSCULAR STIMULATION OF UPPER AIRWAY AND SWALLOWING MUSCLE GROUPS		

---

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in a Supplementary European Search Report mailed May 14, 2008. Enclosed for the Examiner's information is a copy of the Supplementary European Search Report. Applicants note reference Ludlow et al., Muscle and Nerve, 23(1):44-57 (2000) listed in the Search Report was previously cited to or by the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

**Certification Under 37 C.F.R. §1.97(e)(1)**

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement.

In accordance with 37 C.F.R. §1.98(a)(2), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S.

Patent and Trademark Office. Enclosed for the Examiner's information is a copy of the Supplementary European Search Report.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: \_\_\_\_\_

*June 30, 2008*

*Katherine M. Kowalchuk*

Katherine M. Kowalchuk  
Reg. No. 36,848

**23552**

PATENT TRADEMARK OFFICE